

REMARKS

Reconsideration of the above-identified application as amended respectfully is solicited on behalf of the Applicant.

With the instant response, 6 claims have been amended and 2 claims have been cancelled in order to materially advance the status of the present prosecution.

Claims 1-5, 9, and 10 have been rejected under 35 U.S.C. §102(b) based upon a public use or sale of the AI Technologies TP7609 material.

As amended, independent claims 1 and 9 now both recite as a characterizing feature a thermally-conductive material which comprises a blend of a first resin or wax component having a first melting temperature of from 90-100°C and a second resin or wax component having a second melting temperature of from 50-60°C, the first and second resin and wax components forming a binder into which a thermally-conductive filler is dispersed.

Support for the amendment may be found in the specification wherein a representative embodiment is disclosed which is based on a mixture of a resin, namely a PSA component, and a wax, namely an α -olefinic thermoplastic component such as Vybar® 260. [See Example, Sample Nos. 3-1, 2, 3, 7, 8, and 10]. Although not termed a “wax” in the specification, α -olefinic thermoplastics such as Vybar® 260 are generally considered to be waxes and are referred to as such in the following issued U.S. Patent Nos. 4,217,320 [See col. 2, ll. 59-68]; 4,515,740 [See col. 7, ll. 58-63]; 5,994,020 [See col. 13, ll. 47-63]; and 6,080,800 [See col. 7, ll. 29]. Further support may be found in the specification wherein it is taught that the phase transition temperature of the material can be adjusted by varying the ratio of the low and high melt components. [See Bunyan *et al.*, U.S. Patent No. 6,054,198, at col. 8, l. 66 bridging col. 9, l. 7].

As to the TP7609 material, the reference does not appear to disclose a material which, as now claimed, is formed of a blend of a first and second resin having melting temperatures within the claimed ranges. Thus, independent claims 1 and 9 should be considered to define over the reference material. Claims 4-5 and 10 further describe the independent claims, and likewise should be considered allowable.

Lastly, it is noted that claims 1-13 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the TP7608 and TP7609 materials sold by AI Technologies in view of Whitfield *et al.*, U.S. Patent No. 4,299,715.

As before, neither of the TP7609 or TP7608 materials appear to be formed of a blend of a first and second resin having melting temperatures within the claimed ranges.

Similarly as to the Whitfield materials, it does not appear that those materials are formed of a blend of a first and second resin having melting temperatures within the claimed ranges. Rather, it is mentioned at col. 5, ll. 52-55 of Whitfield that the materials thereof may be heated to a

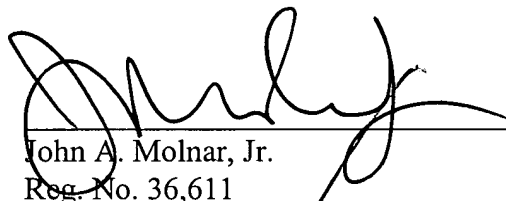
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molten state at 50-60°C, thus appearing to preclude the use, as claimed, of a component having a melting temperature of from about 50-60°C which is admixed with a component having a melting temperature of from about 90-100°C.

Thus, independent claims 1 and 9 are submitted to be nonobvious over the cited references. Dependent claims 7 and 12, moreover, are believed to further distinguish over Whitfield in reciting that the material has a phase transition temperature of from about 70 to 80°C.

In view of the foregoing amendments and remarks, wherein the claim program as amended has been shown to clearly define the claimed invention as being patentable over the art made of record, the issuance of a Notice of Allowance is earnestly solicited. If an allowance of the claims is not forthcoming, please enter this amendment for purposes of appeal.

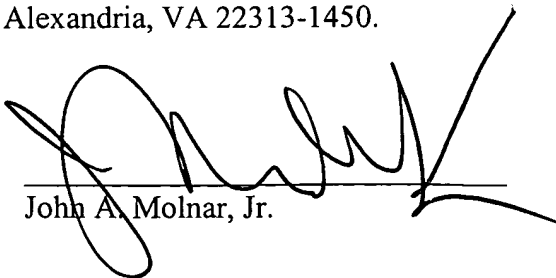
Respectfully submitted,



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I hereby certify that this correspondence is being deposited on September 25, 2003, with the United Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



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